



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jeffery Steven Beck and Matthew Michael Borg  
Title: CIRCUIT FOR AN ACTIVE PIXEL SENSOR  
Serial Number: 10/630,647  
Filing Date: July 29, 2003  
Examiner/Unit: Unknown  
Attorney Docket No.: 10030328-1 (2116-21-3)

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited in the United States Postal Service as First Class Mail in an envelope addressed to: MS Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 1<sup>st</sup> day of July, 2004.

  
Signature

PETITION FOR FILING DATE UNDER 37 C.F.R. § 1.182

July 1, 2004

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

In response to the Notice of Incomplete Nonprovisional Application dated June 2, 2004 (copy enclosed preceding Declaration of Ms. Donna Zimmerman), Applicants' attorney submits the following statement of facts, the four sheets of formal drawings missing from the USPTO file, and the Declaration of Ms. Donna Zimmerman, who prepared the application for filing.

07/07/2004 CNGUYEN 00000136 10630647

01 FC:1460

130.00 OP

## **STATEMENT OF THE FACTS**

Following are facts in support of the request to grant this application a filing date of July 29, 2003.

1) On July 29, 2003, Ms. Donna Zimmerman, a patent secretary and paralegal at Graybeal Jackson Haley since April, 2003, prepared the subject patent application and the accompanying filing documents under the direction of attorney Kevin D. Jablonski, Reg. No. 50,401 (who is no longer practicing at Graybeal Jackson Haley) and according to Graybeal Jackson Haley's standard filing procedure. Ms. Stephanie Cox, a patent secretary at Graybeal Jackson Haley, deposited the envelope that contained the application and filing documents with the U.S. Postal Service for Express Mail delivery to the United States Patent and Trademark Office.

2) More specifically, in accordance with Graybeal Jackson Haley's standard procedure, Ms. Zimmerman prepared a transmittal letter (App. B) that listed all of the documents that were included in the application envelope and the amount of the filing fee. This transmittal letter, which was also enclosed in the application envelope, indicated that four sheets of formal drawings were enclosed as part of the application.

3) Furthermore, in accordance with Graybeal Jackson Haley's standard procedure, Ms. Zimmerman also prepared a stamped, self-addressed postcard (App. C) that listed all of the documents in the envelope, including the four sheets of formal drawings. This postcard was stamped and returned to Graybeal Jackson Haley by the PTO.

4) Ms. Zimmerman then had Ms. Cox sign the Certificate of Express Mailing on the transmittal letter (App. B).

5) As indicated in the attached Declaration of Ms. Donna Zimmerman, to the best of Ms. Zimmerman's recollection, she then placed the proper postage on the application envelope, and placed the four sheets of formal drawings, along with the application, transmittal letter, postcard, and Form PTO-1449 into the envelope, and sealed the envelope.

6) Ms. Zimmerman then provided the sealed envelope to Ms. Cox, who took the envelope to the Post Office and mailed it to the United States Patent and Trademark Office via Express Mail (Express Mail receipt, App. D).

7) No one at Graybeal Jackson Haley was aware that the four sheets of formal drawings were not in the Patent Office file until the assignee, Agilent Technologies, Inc., sent us the Notice of Incomplete Nonprovisional Application on or about June 8, 2004.

8) From the foregoing, it can be seen that the Applicants met all requirements in the filing of this patent application, including the filing of the drawings, and thus request that this application be granted a filing date of July 29, 2003.

9) The required petition fee under 37 CFR 1.17(h) in the amount of \$130.00 is enclosed. However, because our records indicate that the four sheets of formal drawings were included with the filed application per above, we request a refund of the petition fee to Deposit Account No. 07-1897.

10) Furthermore, please note that the correct spelling of the first named inventor is **Jeffery Steven Beck**, not Jeffrey Steven Rock as indicated on the attached Notice of Incomplete Nonprovisional Application. When the Filing Receipt is issued for this application, please make note of the correct spelling. For your

reference, we attach a copy of the executed Declaration and Power of Attorney, which includes the correct spelling of Mr. Beck's name.

DATED this 1<sup>st</sup> day of July, 2004.

Respectfully submitted,

GRAYBEAL JACKSON HALEY LLP



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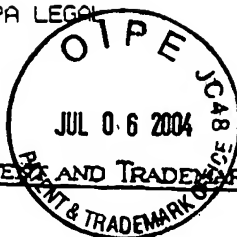
Bryan A. Santarelli  
Attorney for Applicants  
Registration No. 37,560  
155-108th Avenue N.E., Ste 350  
Bellevue, WA 98004-5973  
(425) 455-5575

Enclosures


**RECEIVED**

UNITED STATES PATENT AND TRADEMARK OFFICE

JUN - 7 2004


 UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

AGILENT LEGAL			
APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/630,647	07/29/2003	Jeffrey Steven Rock	10030328-1

 AGILENT TECHNOLOGIES, INC.  
 Legal Department, DL429  
 Intellectual Property Administration  
 P. O. Box 7599  
 Loveland, CO 80537-0599

 US ACTION 8-2-04  
 DUE DATE \_\_\_\_\_  
 Paper Filed \_\_\_\_\_  
 CA \_\_\_\_\_ FINAL \_\_\_\_\_  
 Mag Pl \_\_\_\_\_ Docs \_\_\_\_\_  
 Appeal \_\_\_\_\_ Issue Fee \_\_\_\_\_  
 Other \_\_\_\_\_

CONFIRMATION NO. 8261

FORMALITIES LETTER

\*OC000000012839166\*

 PLK  
 SSD

Date Mailed: 06/02/2004

*Incomplete Reply*

# NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

A copy of this notice **MUST** be returned with the reply.

*Phasing*  
 Customer Service Center

ENTERED IN DOCKET

FOR: 8-2-04 *Shirley*  
 ON: 6-14-04 BY: *Shirley*

TOTAL P.01

AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P. O. Box 7599  
Loveland, Colorado 80537-0599

ATTORNEY DOCKET NO. 10030328-1

JUL 06 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Jeffery Steven Beck and Matthew Michael Borg

Serial No.: 10/630,647

Examiner: Unknown

Filing Date: July 29, 2003

Group Art Unit: 0

Title: CIRCUIT FOR AN ACTIVE PIXEL SENSOR

OFFICIAL DRAFTSPERSON  
Drawing Processing Branch  
PO Box 1450  
Alexandria, VA 22313-1450

DRAWING TRANSMITTAL LETTER

Sir:

Enclosed herewith please find:

- ☐ \_\_\_ sheets of redlined drawing(s) which indicate proposed changes to the drawing(s). Upon approval of these proposed changes, formal drawing(s) will be submitted.
- ☐ \_\_\_ sheets of corrected formal drawing(s), as required by the Notice of Patent Drawings Objection (PTO-948) which accompanied the Office Action dated \_\_\_\_.
- ☐ \_\_\_ sheets of corrected formal drawing(s), as required by the Notice of Patent Drawings Objection (PTO-948) and approved in the Notice of Allowability dated \_\_\_\_.
- ☐ \_\_\_ sheets of formal drawing(s). Please substitute these formal drawing(s) for the informal drawing(s) originally filed.
- ☒ 4 sheets of formal drawings. These formal drawings are identical to the drawings that are believed to have been filed with the patent application, and are being resubmitted to accompany the Petition for Filing Date included herewith.

Examiner's approval of the entry of these drawings is respectfully requested. No new matter has been added.

- ☒ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Date of Deposit: July 1, 2004

Typed Name: Kelly Pedersen

Signature: Kelly Pedersen

Respectfully submitted,  
Jeffery Steven Beck, et al.

By

Bryan A. Santarelli  
Attorney/Agent for Applicant(s)

Reg. No. 37,560

Date: July 1, 2004

Telephone No. (425) 455-5575